

# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION

THE RELIGIOUS SISTERS OF  
MERCY, *et al.*,

*Plaintiffs,*

v.

SYLVIA BURWELL, *et al.*,

*Defendants*

No. 3:16-cv-00386-RRE-ARS

**Declaration of Sister Mary Judith  
O'Brien, R.S.M., J.C.D.**

---

1. My name is Sister Mary Judith O'Brien. I am over the age of 21 and am capable of making this declaration pursuant to 28 U.S.C. § 1746. I have not been convicted of a felony or crime involving dishonesty. The facts contained herein are within my personal knowledge. If I were called upon to testify to these facts, I could and would competently do so.

2. I am a Religious Sister within the Religious Sisters of Mercy, a Catholic order of religious sisters devoted to works of mercy, including offering healthcare to the underserved. I received my licentiate and doctorate, *magna cum laude*, at the Pontifical Gregorian University in Rome in 1994. I am also a civil lawyer. For the past eleven years, I have worked for the Diocese of Saginaw, first as

Vice-Chancellor and now as Chancellor—a position I have held for seven years. Before my assignment in Saginaw, I worked in the Archdiocese of Denver, helping to establish St. John Vianney Seminary and serving as chair of the Department of Pastoral Theology. In Denver, I collaborated with the Archbishop's office in a variety of canonical and civil law projects. I currently serve on the board for both Sacred Heart Mercy Health Care Center clinics, which are owned and operated by the Religious Sisters of Mercy.

3. Located in Alma, Michigan, the Religious Sisters of Mercy is a nonprofit corporation incorporated in 1973. The Religious Sisters of Mercy are an international institute of pontifical right—that is, officially approved by the Vatican—which traces its roots back to Venerable Catherine McAuley in Dublin, Ireland in 1831.

4. As Religious Sisters of Mercy, we have chosen to follow Jesus Christ by taking a lifetime vow to serve the poor and sick by offering care for the whole person, and working to heal those who are suffering from physical, psychological, intellectual, and spiritual woundedness. The Religious Sisters of Mercy offer a variety of apostolic services. One aspect of our mission is fulfilled through “comprehensive health care” services, which we understand as “the complete care of the total human person” which “seeks to bring about that profound and extensive healing which is a continuation of the work of redemption.”

5. Consistent with this mission, some of the Religious Sisters of Mercy serve in healthcare facilities, such as hospitals, throughout the country. These Sisters include licensed doctors, including a surgeon, and other healthcare professionals. In accordance with their vows, the Religious Sisters of Mercy offer healthcare services in accordance with the Ethical and Religious Directives of the United States Conference of Catholic Bishops and our Catholic faith. For decades, the religious beliefs of the Religious Sisters of Mercy have been respected by health institutions where they work.

#### **I. The Sacred Heart Clinics**

6. The Religious Sisters of Mercy own and operate two clinics, Sacred Heart Mercy Health Care Center in Alma, Michigan, and Sacred Heart Mercy Health Care Center in Jackson, Minnesota. Both are nonprofits incorporated in their respective states. The Religious Sisters of Mercy also run their clinics in accordance with the Ethical and Religious Directives of the United States Conference of Catholic Bishops. These clinics contain religious chapels and prominently display religious iconography. Some of the Religious Sisters of Mercy serve as licensed doctors, nurses, or other healthcare professionals who perform medical services in these clinics.

7. The Religious Sisters of Mercy at the Sacred Heart clinics strive to provide top-quality care to their patients. They serve and respect individuals of all faiths, and seek to ensure that patients and their families can exercise their own

faith traditions in order to assist them in the healing and recovery process, and to make critical decisions about matters such as end-of-life care and clinical ethics.

8. The clinics further the Sisters' mission to care for the elderly and the poor by serving Medicare and Medicaid patients and also provide low-cost or free care to the uninsured. A significant portion of the patients served by the Sacred Heart clinics are poor, disabled, and elderly Medicare and Medicaid patients. If the Sacred Heart clinics lost this HHS funding, the clinics would suffer a crippling blow to their capacity to carry out their religious mission to serve the poor, disabled, and elderly.

9. The Religious Sisters of Mercy hold religious beliefs about the nature and purposes of human sexuality. Like the Catholic Church they serve, the Religious Sisters of Mercy believe that every man and woman is created in the image and likeness of God, and that they reflect God's image in unique—and uniquely dignified—ways.

10. Further, in their professional medical judgment, the Religious Sisters of Mercy who work in health care believe that optimal patient care—including patient education, diagnosis, and treatment—requires taking account of the biological differences between men and women.

11. In the Sisters' best medical judgment, providing or assisting with gender transition services is not in keeping with the best interests of their patients, and in fact is experimental and could be harmful for patients.

12. Providing services that are contrary to their understanding of God's plan for human sexuality would also violate the religious exercise of the Religious Sisters of Mercy.

## II. Insurance Coverage

13. As part of their religious beliefs, the Sacred Heart clinics also offer health benefits to eligible employees who work for the clinics. It would violate the religious beliefs of the Sacred Heart clinics and the Sisters who own and operate them if they were forced to offer a health plan that included benefits for abortions, sterilizations, or any drugs or procedures related to gender transition. The Sacred Heart clinics and the Sisters who own and operate them sincerely believe that such coverage would constitute impermissible material cooperation with evil.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 16, 2016.

  
Sister Mary Judith O'Brien, R.S.M., J.C.D.